

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 16-054

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Judge:

Complainants:

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**ORDER**

The complainants alleged a superior court judge was biased in favor of the defendant and delayed a civil matter.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Dated: April 6, 2016

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainants and the judge on April 6, 2016.

*This order may not be used as a basis for disqualification of a judge.*

**I understand the commission cannot reverse court orders or assign a new judge to a case.**

**I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which my allegations of judicial misconduct are based are true and correct.**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### INSTRUCTIONS

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

We brought a special action to remove a mechanic's lien from our house for failure to obtain our signature on the contract for the work and for statutory damages for refusing to remove the improper lien upon demand. We expected to have an accelerated hearing and quick decision, but instead the judge allowed the case to proceed as a ordinary piece of litigation. At a hearing on a motion to quash a defense subpoena for a deposition of our son, the judge said that no decision on our initial motions, including a motion for summary judgment on our special action claims, could be had for at least eight weeks, and allowed the defense to engage in discovery, including the deposition of our son. Because the litigation was allowed to drag on for months, the amount of attorney's fees that accrued exceeded the amount that was owed to the contractor by five- or sixfold. We ended up having to enter into a very unfavorable settlement to avoid the prospect of having a judgment lien placed on our house. We feel the judge failed to appreciate the nature of the special action claim that we were attempting to assert and did not properly keep the proceeding short and simple, in particular (1) by failing to either prohibit or limit discovery, including allowing a deposition, (2) by failing to accelerate the proceeding to quickly address the propriety of the mechanic's lien, and (3) by allowing the defense to assert counterclaims in the special action. The judge also seemed to be quite biased in favor of the defense, and granted everything the defense attorney asked for. (

about the defense attorney's conduct during the deposition. At one point during the deposition, the defense attorney bragged that no matter what our son said to the judge about receiving a refund of the cash appearance bond he had filed with the court, the defense attorney would get way to have it awarded to the defense and knew it ahead of time -- and, of course, was right. The relationship between the judge and defense counsel did not seem proper.)